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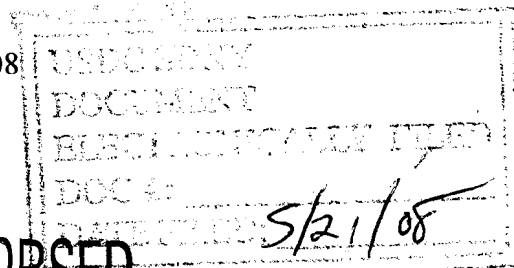
NEW YORK OFFICE:  
111 JOHN STREET  
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NEW YORK, NY 10038

MAY 21 2008

May 20, 2008

BY HAND & ECF  
Honorable Debra C. Freeman  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

**MEMO ENDORSED**



Re: Alexis Padilla v. Dale Artus, Superintendent Clinton  
Correctional Facility  
07-CV-05957 (DAB)(DF)

Dear Judge Freeman:

I was appointed as CJA counsel to represent Petitioner in the above captioned matter on January 4, 2008 by Order of this Court dated December 28, 2007. In appointing counsel the Court Ordered that counsel for Petitioner file a Reply to Respondent's brief by February 29, 2008.

Please accept this correspondence as a request to extend the time for Petitioner to file his Reply. Upon appointment I acquired the Court file and requested that the Clerk's Office copy both the complete file and trial transcript. Thereafter on January 7, 2008 I commenced trial before the Honorable Judge John F. Keenan in United States v. Rodolphe Nogbou, 07 Cr. 814), which trial was completed on January 11, 2008. On January 14 when I acquired the copied case file from the Court's Clerk I was informed that the trial transcript had not been copied because it could not be located. Following conversations with both Judge Batts' and your Court Deputies we were informed that the transcript was in Judge Batts chambers. We then requested the transcript be copied by Records Management .

On February 11, 2008 I commenced trial before the Hon. Naomi Reice Buchwald in United States v. Mason, et al. 06 Cr 80 (NRB). That trial was completed on March 7. During trial by letter application on February 16, 2008 I requested that this Court extend Petitioner's time to file a memorandum to May 29, 2008 which application was granted.

Upon checking with the Records Management Office following completion of the trial I discovered that the minutes had never been forwarded for copying. I again contacted the Court's Deputy to determine the location of the minutes. Upon rechecking the Court's Deputy informed

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me that the minutes could not be located. Therefore a new copy was requested from the Attorney General's Office.

During the past month I have checked regularly with the Court's clerk to inquire whether the second set of minutes had been received. I was informed today that the new set of minutes has recently been received by the Court. I immediately requested that a copy be made for my review to facilitate preparation of a Reply Memorandum for Petitioner. I have been informed that the minutes, which are approximately 550 pages in length will be available later this week.

Accordingly, I respectfully request that the Court extend Petitioner's time to file a responsive memorandum for 90 days, to August 29, 2008 .

I have discussed this request with the Petitioner and he not only consents but urges that on his behalf I request this adjournment so I may be in the best possible position to present his claims to this Court. I apologize to the Court in advance for the necessity of making this request and urge the Court to grant this application so I may comply with my responsibilities.

Respectfully submitted,


  
Alan Nelson

cc: Office of the Attorney General (ecf)  
State of New York  
Assistant Attorney General Frederick H. Wen  
120 Broadway  
New York, N.Y. 10271

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04-A-4094  
Southport Correctional Facility  
P.O. Box 2000  
Institution Road  
Pine City, New York 14871

MEMO

SO ORDERED: DATE: 5/21/08

  
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DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE